UNITED STATES PATENT AND TRADEMARK OFFICE

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KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER
WIN, AUNG T

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>11 March 2008</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-27</u> is/are pending in the application.

    4a) Of the above claim(s) <u>2,12,16,18-20 and 27</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,3-11,13-15,17 and 21-26</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 03/11/2008 have been fully considered but they are not persuasive. Applicant argues that the method and system as modified fails to disclose the messaging server holding an update property of the content, and acquiring the content from a content server based on the updated property. Examiner disagrees.

Chan discloses the messaging server (i.e., Service Management Node as stated in rejected claim 1 transmitting locally stored or remotely stored personalized data corresponding to read token identifier associated with user: 0019, 0026, 0027]) acquires the content from a content server that holds content at a predetermined period [personalized scheduled based or time sensitive content such as scheduled service [0031 & 0032] and news service [0037 & 0038]. Chan teaches that messaging server holds update property of the content [user preference identified in a personal user profile for content delivery] and acquires the content from the content server based on the update property as claimed i.e., providing scheduled based content delivery services based on user preferences identified in a personal user profile stored in the messaging server [scheduled service: 0031 & 0032 and news service: 0037 & 0038].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1, 7, 8, 13, 15, 17, 21, 22, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US20040203638A1) in view of Lazaridis et al. (US007076244B2).

1.1   Regarding Claim 1, Chan discloses a messaging system [Figure 1: 0018-0021] comprising:

A terminal sending a user identification information of a user using the terminal [Terminal 14 or 16 with RF tag reader sending read token identifier associated with user: 0008, 0022, 0025 & 0026] [Terminal 14 or 16: Figure 3] [Handheld Terminal: 0047, 0048, Figure 6A]; and

Messaging server (Service Management Node integrated with local content database, remote content database, and other content servers) holding content which corresponds to the user identification information of the user, and delivering the content on a receipt of the user identification information sent from the terminal [transmitting locally stored or remotely stored personalized data corresponding to read token identifier associated with user: 0019, 0026, 0027] [Service Manager personalize data based upon read token identifier associated with user and context data received from the transmitting terminal wherein context data comprises terminal identifier and terminal location indication: 0019, 0025, 0026]; wherein

By wirelessly communicating with a wireless tag which is carried by the user and which stores the user identification information of the user, the terminal reads the user identification information from the wireless tag and sends the read user identification information to the messaging server [Terminal with Token reader reads token ID associated with user and transmit the read token ID: 0008, 0009, 0025, 0026 & 0027] [terminal reader is operable to read token ID wirelessly: 0022].

Chen also discloses that each terminal is configured to transmit to service manager 12 read token ID associated with user and context data: [0025] wherein context data comprises terminal identifier and terminal location indication i.e., claimed terminal address: [0019, 0025, 0026] [also see service manager 12 personalize data based on received user tag ID and context data and further transmitting the personalized data: 0027]. Therefore, Chen's terminal must store in advance terminal identification information and a terminal address of the terminal and send the stored terminal identification information and the terminal address to the messaging server together with the user identification information as claimed.

Registration step as claimed must be inherently executed in Chen's system in order to determine terminal that user is associated with to provide personalized data [also see scheduled service to provide personalized data in later time: 0031]. Chan also discloses providing information stored in the content server i.e., email server or corresponding message server [0033 & 0034].

As stated above, Chan teaches the messaging server (i.e., Service Management Node as stated above transmitting locally stored or remotely stored personalized data

corresponding to read token identifier associated with user: 0019, 0026, 0027]) acquires

the content from a content server that holds content at a predetermined period

[personalized scheduled based or time sensitive content such as scheduled service

[0031 & 0032] and news service [0037 & 0038]. Chan also discloses that messaging

server holds update property of the content and acquires the content from the content

server based on the update property as claimed [see delivering personalized news data

based on stored personal user profile: 0038]. Chan does not explicitly disclose that

delivering newly acquired content to the terminal based on conditions as claimed.

Lazaridis teaches such limitation silent in Chan's reference i.e.,

The messaging server acquires the content from a content server that holds

contents [Proxy Content server stores content acquired from Information Source server:

Figures 1 & 6, Column 11 & 12], and

The messaging server acquires the content from the content server at a

predetermined period [Proxy Content server periodically polls the Information Source

server for updated information: Figures 1 & 6, Column 11& 12], and if details of newly

acquired content is different from details of the last acquired content, delivers the newly

acquired content to the terminal [if there is updated information i.e., information added

to the proxy content sever database related to mobile devices stored in proxy content

server, the updated information is passed to the mobile device: Figures 1 & 6, Column

11 & 12].

1.2   Claim 25 is rejected for the same reason as stated above in Claim 1 rejection

[See Claim 1 rejection] because claimed message server substantially read on modified

messaging server as stated above in Claim 1. It is obvious to one of ordinary skill in the

art that modified server comprises claimed units in order to perform improved

information distribution system as modified above in Claim 1 rejection.

1.3   Claim 26 is rejected for the same reason as stated above in Claim 1 rejection

[See Claim 1 rejection] because claimed terminal substantially read on corresponding

terminal of modified system and method as stated above in Claim 1. It is obvious to one

of ordinary skill in the art that terminal comprises claimed units in order to transmit and

receive data and also configured to process multimedia data [data: 0019 of Chen].

1.4   Claim 27 is also rejected for the same reason as stated above in Claim 1

rejection [See Claim 1 rejection]. The terminal used by user as stated above in Claim 1

rejection comprises RF-ID tag reader as claimed which wirelessly communicates with a

wireless tag storing user identification information in advance, and reads the user

identification information stored in the wireless tag, wherein the transmission unit

transmits user identification information read by the read unit.

1.5   Claim 7 is rejected for the same reason as stated above in Claim 1 because

Chan also discloses passive RF Tag, which can only be powered by RF tag reader

[0022].

1.6   Claim 8 is rejected for the same reason as stated above in Claim 1 because,

Chan discloses that RF tag and RF tag reader are operating in predetermined range

[See Figure 3].

1.7   Claim 13 is rejected for the same reason as stated above in Claim 1 rejection.

Chan discloses that information provided to user is based on read user tag ID and

terminal ID in which user is using [context data or terminal ID: 0008, 0025-0030].

1.8   Claims 17 is rejected for the same reason as stated above in Claim 1 rejection. It

would have been obvious to one of ordinary skill in the art that modified messaging

system would teach the messaging server stores a delivery condition of the content to

the user and delivers to the terminal content which satisfy the delivery condition out of

the content acquired from the content server because Chan discloses providing

scheduled based content delivery services based on user preferences identified in a

personal user profile stored in the messaging server [scheduled service: 0031 & 0032

and news service: 0037 & 0038]. Lazaridis also teaches passing data to mobile based

on delivery conditions [Figure 6].

1.9   Claims 21 & 22 are also rejected for the same reason as stated above in Claim 1

rejection. Chan messaging system must have claimed limitations because Chan

messaging system provides personalized information based on specific user

preferences [0038] and Chan messaging system provide information to multiple users [0027].

2.10   Claim 24 is rejected for the same reason as stated above in Claim 1 rejection. Chan discloses that user terminal and messaging server are communicating via service manager 12 i.e., server computer 80 [Figures 1, 4 & 5] [0046] (claimed management server) wherein messaging server is integrated with user profiles database 36 for accessing user mail server (claimed messaging server).

2.11   Regarding Claim 15, Official Notice is taken that Modified terminal does not explicitly disclose format conversion as claimed. Official Notice is taken that concept and advantages of such claimed feature is well-known to one skill in the art at the time of invention of made in order to provide formatted version according to user terminal capability. Therefore, claimed feature is obvious to one skill in the art at the time of invention of made and it is also expected in the data transmission art. Therefore reformatting as claimed does not constitute a patentably distinct limitation from known methods and prior arts.

2.   Claims 3 & 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US20040203638A1) in view of Lazaridis et al. (US007076244B2), further in view of Fukuda (US20020116268A1).

2.1   Regarding Claim 3, Modified system and method discloses all the limitations as stated above in Claim 1 rejection but does not explicitly disclose storing messaging server identification information in addition to the user identification information.

Fukuda discloses information providing system comprising RF-ID tag storing address of the network server that is to be accessed, RF-ID reader implemented in the portable terminal reading the stored address of the network server from RF-ID tag to further access the information from the network server [Summary] [RFID system: 0035-0037] [portable terminal: 0038-0043 & 0052-0082] [RF-ID Tag: 0044-0051]. Fukuda also teaches storing email address in the RF-ID tag for accessing mail server via the portable terminal [0103-0114] [Figures 1-6].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify Chan's messaging system to install messaging server address information in the RF-ID tag as taught by Fukuda to process as claimed. One of ordinary skill in the art would have been motivated to do this to provide improved messaging system for user convenience [Fukuda: 0113]

2.2   Claim 4 is also rejected for the same reason as stated above in Claim 3 rejection. Fukuda teaches reading the stored information from the RF-ID tag by user [setting portable information terminal to information receive entry mode: 0065-0074]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify Chen's handheld terminal implemented with RF-ID tag reader as stated above for receiving RF-ID tag information based on user action as

taught by Fukuda to modify as claimed. One of ordinary skill in the art would have been

motivated to do this to provide improved user interface for user convenience.

3.   Claims 5, 6, 9, 10, 11 & 14 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Chan et al. (US20040203638A1) in view of Lazaridis et al.

(US007076244B2), in view of Gruteser et al. (US20030037243A1).

3.1   Regarding Claims 5, Chan teaches RF-ID tag reader reading the user ID from

the RF-ID tag. Modified system and method does not explicitly disclose reading the

user ID periodically.

Gruteser discloses RF-ID reader reading the identification information from RF-ID

tag periodically and further updating the read information [0039]. Therefore, it would

have been obvious to one of ordinary skill in the art at the time of invention of made to

modify Chan's RF-ID tag reader to read identification information from tag periodically

as taught by Gruteser to modify and program RF-ID reader as claimed. One of ordinary

skill in the art would have been motivated to do this to implement improved system so

that providing wrong information to specific user can be avoided.

3.2   Claims 6, 9, 10, 11 & 14 are rejected for the same reason as stated above in

Claim 5 rejection. At the time of invention of made, it is obvious to skill in the art that

RF-ID readers can be programmed to utilize according to various applications as

needed; moreover such claimed features are expected in the RF-ID reading

applications. One of ordinary skill in the art would have been motivated to do modify as

claimed to ensure the system with improved security and accuracy.

4.   Claims 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chan

et al. (US20040203638A1) in view of Lazaridis et al. (US007076244B2), further in view

of Katagishi et al. (US20030120745A1).

4.1   Regarding Claim 23, Modified method and system discloses providing

subscribed messaging services [Chan: 0027] but does not explicitly disclose charging

the user for provided information based on the delivery count.

Katagishi discloses information providing system and the method comprising

tracking access count per user [0076]. Therefore, it would have been obvious to one of

ordinary skill in the art at the time of invention of made to modify Chan's messaging

server to implement user access count tracking feature as taught by Katagishi to modify

as claimed. One of ordinary skill in the art would have been motivated to do this provide

improved information providing system for service provider.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to AUNG T. WIN whose telephone number is (571)272-

7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung T Win/
Examiner, Art Unit 2617

/Duc Nguyen/

Supervisory Patent Examiner, Art Unit 2617